

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CR-22-D
No. 5:14-CV-237-D

MAURICE ANDRE HIGH,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

On August 26, 2013, this court denied Maurice Andre High's ("High") motion to vacate, set aside, or correct his sentence and denied relief under 18 U.S.C. § 3582(c). See [D.E. 54]. On April 22, 2014, High filed another section 2255 motion and again asked for relief under 18 U.S.C. § 3582(c). See [D.E. 59]. High, however, failed to obtain the required authorization from the United States Court of Appeals for the Fourth Circuit before filing his latest section 2255 motion. See 28 U.S.C. § 2244(3)(A) ("Before a second or successive [habeas corpus application] is filed in the district court, the applicant shall move the appropriate court of appeals for an order authorizing the district court to consider the application"); see, e.g., Burton v. Stewart, 459 U.S. 147, 152–53, 157 (2007) (per curiam); United States v. MacDonald, 641 F.3d 596, 603–04 (4th Cir. 2011); United States v. Winestock, 340 F.3d 200, 206–07 (4th Cir. 2003); In re Vial, 115 F.3d 1192, 1194–95 (4th Cir. 1997) (en banc). Accordingly, this court lacks jurisdiction to review the section 2255 motion. Thus, the section 2255 motion is dismissed, and High may seek authorization from the Fourth Circuit.

A certificate of appealability shall not issue absent “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2) (2000). A petitioner satisfies this standard by demonstrating that reasonable jurists would find that an assessment of the constitutional claims is debatable and that any dispositive procedural ruling dismissing such claims is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). A reasonable jurist would not find this court’s dismissal of High’s section 2255 motion debatable. Accordingly, the court DISMISSES the motion [D.E.45] and DENIES a certificate of appealability. See 28 U.S.C. § 2253(c). As for High’s latest request for relief under 18 U.S.C. § 3582(c), the court DENIES relief for the reasons stated in its August 26, 2013 order. See [D.E. 54] 6.

SO ORDERED. This 27 day of June 2014.


JAMES C. DEVER III
Chief United States District Judge